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KAREN J. MESSICK, ESQ.  
C/O KOS PHARMACEUTICALS, INC.  
1001 BRICKELL BAY DRIVE, 25<sup>TH</sup> FLOOR  
MIAMI, FL, 33133

In re Application of :  
David Bova et al :  
Serial No.: 09/470,603 : PETITION DECISION  
Filed: December 22, 1999 :  
Attorney Docket No.: 50454-56101US :

This is a response to the renewed petition under 37 CFR 1.59(b), filed July 21, 2005, to expunge information from the above identified application.

Petitioner requests that documents submitted in an Information Disclosure Statement (IDS), filed March 10, 2005, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR 1.17(h) has been paid.

The information has been reviewed by the examiner and the application has now been found allowable over it.

The petition to expunge is **GRANTED**. The confidential material will be returned under separate cover.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number 571-273-8300.

Bruce M. Kisliuk  
Director, Technology Center 1600